

California Regional Water Quality Control Board  
Santa Ana Region

August 22, 2003

**ITEM:** 7

**SUBJECT:** Reconsideration of Order No. R8-2003-0003, NPDES No. CA8000402, Waste Discharge and Producer/User Water Reclamation Requirements for Inland Empire Utilities Agency – Regional Water Recycling Plant No. 5, Order No. R8-2003-0089.

**DISCUSSION:**

On July 1, 2003, the Regional Board adopted Order No. R8-2003-0003, NPDES No. CA8000402 prescribing waste discharge and producer/user water reclamation requirements for Inland Empire Utilities Agency – Regional Water Recycling Plant No. 5 for the discharge of tertiary treated wastewater to Chino Creek and rescinding Order No. 01-2 and Cease and Desist Order No. 01-5 as of July 1, 2003.

The rescission effective date for Order No. 01-2 and Cease and Desist Order No. 01-5 is erroneous. The rescission date should have been December 30, 2003. The tentative version of the requirements that was brought to the Board on July 1, 2003 inadvertently contained a provision rescinding the requirements for the operation of RP-2, effective immediately.

However, RP-5, which will replace RP-2 is currently under construction and is not expected to begin operation until November 2003. In the meantime, RP-2 continues as a wastewater treatment plant that treats domestic and commercial/industrial wastewater from the cities of Chino and Chino Hills. The discharger requires continuing coverage under Order No. 01-2, NPDES No. CA0105287 and Cease and Desist Order (CDO) No. 01-5 for continued operation of RP-2 until the end of the calendar year.

**RECOMMENDATION:**

Reconsider Order No. R8-2003-0003 in order to revise the rescission effective date of Order No. 01-2, NPDES No. CA0105287 and Cease and Desist Order (CDO) No. 01-5 for continued operation of RP-2 from July 1, 2003 to December 30, 2003. Adoption of Order No. R8-2003-0089 would effectively provide permit coverage for the continued operation of RP-2 until the end of the calendar year.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt  
U.S. Army District, Los Angeles, Corps of Engineers, Regulatory Branch  
U.S. Fish and Wildlife Service, Carlsbad  
State Water Resources Control Board, Office of the Chief Counsel - Jorge Leon  
State Water Resources Control Board, Division of Water Quality - James Maughan  
State Water Resources Control Board, Division of Financial Assistance - Diana Robles  
State Department of Water Resources, Glendale  
State Department of Fish and Game, Long Beach  
State Department of Health Services, San Bernardino  
State Department of Health Services, Carpinteria – Jeff Stone  
San Bernardino County Department of Public Works – Naresh Varma  
San Bernardino County Environmental Health Services – Mike Farrell  
Orange County Water District - Nira Yamachika  
City of Chino - City Manager  
City of Chino - Brett Hulstrom  
City of Chino Hills - City Manager  
Santa Ana River Discharger's Association – Roger Turner  
Santa Ana Watershed Project Authority – Joseph Grindstaff  
Orange County Coastkeeper  
Lawyers for Clean Water

California Regional Water Quality Control Board  
Santa Ana Region

ORDER NO. R8-2003-0089

Reconsideration of Order No. R8-2003-0003, NPDES No. CA8000402  
Waste Discharge and Producer/User Reclamation Requirements

for

Inland Empire Utilities Agency  
Regional Water Recycling Plant No. 5  
Chino, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Board), finds that:

1. On July 1, 2003, the Board adopted Order No. R8-2003-0003, NPDES No. CA8000402, prescribing Waste Discharge and Producer/User Reclamation Requirements for Inland Empire Utilities Agency's (IEUA) Regional Water Recycling Plant No. 5 (RP-5) for the discharge of tertiary treated wastewater to Chino Creek.
2. RP-5 is currently under construction and is not expected to begin operation until November 2003. RP-5 will eventually replace IEUA's Regional Plant No. 2 (RP-2). RP-2 is an existing wastewater treatment plant that treats domestic and commercial/industrial wastewater from the cities of Chino and Chino Hills. RP-2 is regulated under Order No. 01-2, NPDES No. CA0105287 and under Cease and Desist Order (CDO) No. 01-5.
3. Provision J.3 of Order No. R8-2003-0003, NPDES No. CA8000402 inadvertently rescinded Order No. 01-2 and CDO No. 01-5 for RP-2 effective July 1, 2003. Provision J.3. should be revised to delay the rescission of these Orders until after waste discharges from RP-2 have ceased and RP-5 has begun full operation. RP-5 is expected to be fully operational by December 30, 2003.
4. In accordance with Water Code Section 13389, reconsideration of the waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
5. The Board has notified the discharger and other interested agencies and persons of its intent to reconsider the rescission date of Order No. 01-2 and CDO No. 01-5 and has provided them with an opportunity to submit their written views and recommendations.
6. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED** that Order No. R8-2003-0003, NPDES No. CA8000402, is reconsidered and the rescission dates are revised as follows: (Additions are bold and highlighted)

1. Order No. R8-2003-0003, change Finding 3. as follows:
  3. To comply with the requirements of CDO No. 01-5, the discharger opted to construct RP-5 at a site not subject to flooding. Once constructed and in operation, the proposed RP-5 will assure compliance with CDO No. 01-5 requirements. This Order rescinds CDO No. 01-5 **as of December 30, 2003**.
2. Order No. R8-2003-0003, change Finding 4. as follows:
  4. RP-5 is currently under construction to meet the deadline stipulated in CDO No. 01-5. When RP-5 is operational, treated wastewater will no longer be discharged from RP-2 to Chino Creek. This Order rescinds Order No. 01-2 **as of December 30, 2003**.
3. Order No. R8-2003-0003, change Provision J.3. as follows:
  3. Order No. 01-2 and CDO No. 01-5 are hereby rescinded **on December 30, 2003**.
4. All other conditions and provisions of Order No. R8-2003-0003 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on August 22, 2003.

---

Gerard J. Thibeault  
Executive Officer